IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1161 of 1987

HONOURABLE MR.JUSTICE KS JHAVERI

==========

MANGUBEN WD/O NATHIRAM RAMRATAN & 4 - Appellant(s)
Versus
GULAMHUSEN USMANBHAI SUMRA & 3 - Defendant(s)

==========

Appearance :
MR AG VYAS for Appellant(s) : 1,3 - 5.
None for Defendant(s) : 1 - 4.

==========

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 25/07/2006

ORAL JUDGMENT

1. This appeal is for enhancement of compensation as against the judgement and award dated 17th May 1986 passed by the Motor Accident Claims Tribunal, Main, Surendranagar in M.A.C. Petition No.258 of 1982 whereby the Tribunal has awarded a sum of Rs.34,250/-.

2. The case of the claimant was that one Nathiram Ramratan was driver of tanker bearing registration No.GTP 4874. He was driving the tanker and was going from Limbdi towards Sayla on 3.4.1982. At that time the Truck bearing registration No.GTX 4006 came on the wrong side of the road and dashed against the

tanker as a result of which Nathiram Ramratan sustained injuries and ultimately succumbed to the injuries. The legal heirs and representatives of the said Nathiram Ramratan filed the above claim petition which was partly allowed.

3. Learned counsel for the appellant submitted that the compensation awarded is on the lower side and the Tribunal ought to have awarded Rs.1 lac. He submitted that the driver of the truck was solely rash and negligent. Learned counsel submitted that the Tribunal ought to have believed the income of the deceased at Rs.900/- per month and the future economic loss should have been more than Rs.58500/-. He has further submitted that the Tribunal should have taken the multiplier at 20.

4. On a perusal of the record it clearly appears that the drivers of both the vehicles were negligent and both had gone on the wrong side of of the road. The conclusion of the Tribunal is that only in such case the accident would have occurred. Learned counsel for the appellant is not able to show thing contrary to the said finding.

5. As regards the income of the deceased is concerned in the cross examination the original claimant no.2 has admitted that she has no evidence to show that the deceased was earning Rs.900/- per month.

6. From the record it appears that for taking multiplier the Tribunal has relied upon the Postmortem notes and has taken the age of the deceased 30 years. Applying the said age a multiplier of 15 has been taken. I am of the view that the Tribunal has not committed any error in taking the multiplier of 15.

7. No other contentions are raised.

8. In the premises aforesaid, I do not find any merits in the appeal. I am in complete agreement with the reasonings adopted and findings arrived at by the Tribunal. The appeal is therefore dismissed. No order as to costs.

[K.S. JHAVERI, J.]

ar